

Michael S. Kogan (SBN 128500)
KOGAN LAW FIRM, APC
11500 W. Olympic Blvd., Suite 400
Los Angeles, California 90064
Telephone (310) 954.1690
mkogan@koganlawfirm.com

Attorneys for Leslie Klein

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re	)	Case No. 2:23-bk-10990-SK
)	
LESLIE KLEIN,	)	Chapter 11
)	
Debtor.)	
	)	Adv. No. 2:23-ap-01169-SK
)	
DAVID BERGER,)	
)	
Plaintiff,	)	AMENDED NOTICE OF HEARING ON
	)	MOTION FOR ORDER DISMISSING
v.	)	CERTAIN CAUSES OF ACTION IN
	)	COMPLAINT
LESLIE KLEIN,)	
)	
Defendant.	)	Date: [TO BE DETERMINED]
	)	Time:
	)	Place: Courtroom 1575
)	

PLEASE TAKE NOTICE that on [TO BE DETERMINED] at the United States Bankruptcy Court located at 255 E. Temple Street, Los Angeles, California, 90012, Courtroom 1575, before the Honorable Sandra Klein, United States Bankruptcy Judge, Defendant, Leslie Klein (“**Debtor**” or “**Defendant**”), will and does hereby move this Court for an Order Dismissing Certain Causes of Action in the Complaint for Nondischargeability of Debt Pursuant to 11 USC § 523(a)(2)(a), 11 USC § 523(a)(4), & 11 USC § 523(a)(6); & for Denial of Discharge Pursuant to 11 USC § 727(a)(2)(a); 11 USC § 727(a)(2)(b); 11 USC § 727(a)(3); 11 USC § 727(a)(4); 11 USC

§ 727(a)(5) (“**Complaint**”) against the Defendant Leslie Klein filed by David Berger (“**Plaintiff**” or “**Berger**”) in the bankruptcy estate of Leslie Klein on the following grounds:

1. The Fourth through Eighth Causes of Action of the Complaint fails to state facts sufficient to constitute a claim for relief pursuant to Federal Rule of Civil Procedure 12(b)(6); and

2. The Fourth through Eighth Causes of Action of the Complaint should be dismissed for failure to sufficiently support its causes of action under 11 U.S.C. §§ 727 (a)(2), (3), (4) and (5).

The Motion is based on this Motion and Memorandum of Points and Authorities filed herewith, the concurrently filed Notice, all papers, pleadings, files and records in this case and such evidence as the Court might receive at the time of the hearing.

Any party desiring a copy of the Motion, Memorandum of Points and Authorities, the may review the file at the Court or contact the attorneys for the Debtor for a copy.

Anyone who wishes to oppose the Motion must do so in a writing that complies with the rules of practice and procedure before the United States Bankruptcy Court for the Central District of California, and pursuant to Local Bankruptcy Rule 9013-1(1)(g), and must ensure that such opposition is filed with the Court no later than fourteen (14) days prior to the hearing on the Motion. Any such opposition must also be served on counsel to the Debtor at the following address: Michael S. Kogan, KOGAN LAW FIRM, APC, 11500 W. Olympic Blvd., Suite 400, Los Angeles, California 90064, and on the United States Trustee, 915 Wilshire Blvd., Suite 1850, Los Angeles, California 90017. Any opposition not so filed and served may be deemed to constitute consent to the relief requested in the Motion and a waiver of the right to be heard at the hearing on the Motion.

DATED: August 14, 2023

KOGAN LAW FIRM, APC
Michael S. Kogan

By: /s/Michael S. Kogan
Michael S. Kogan
Attorneys for Leslie Klein

In re: LESLIE KLEIN

Debtor(s).
David Berger v Leslie Klein

CHAPTER: 11
CASE NUMBER: 2:23-bk-10990-SK
Adv. No. 2:23-ap-01169-SK

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 11500 W. Olympic Blvd., Suite 400, Los Angeles, California 90064

A true and correct copy of the foregoing document described as **AMENDED NOTICE OF HEARING ON MOTION FOR ORDER DISMISSING CERTAIN CAUSES OF ACTION IN COMPLAINT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 15, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☒ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On **August 15, 2023**, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

August 15, 2023

Pamela Lynn

/s/Pamela Lynn

Date

Type Name

Signature

In re: LESLIE KLEIN	CHAPTER: 11
Debtor(s).	CASE NUMBER: 2:23-bk-10990-SK
David Berger v Leslie Klein	Adv. No. 2:23-ap-01169-SK

ADDITIONAL SERVICE INFORMATION (if needed):

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Baruch C Cohen (PL) bcc@BaruchCohenEsq.com, paralegal@baruchcohenesq.com
Michael I. Gottfried (IP) mgottfried@elkinskalt.com, cavila@elkinskalt.com,
lwageman@elkinskalt.com, docketing@elkinskalt.com
Nikko Salvatore Stevens (IP) nikko@cym.law, mandi@cym.law
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
Clarisse Young youngshumaker@smcounsel.com, levern@smcounsel.com

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL - VIA U.S. MAIL

Hon. Sandra Klein
U.S. Bankruptcy Court
255 E. Temple St. #1582
Los Angeles, CA 90012